
Introduced by Senator Gaines

February 15, 2011

An act to amend Section 4000 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 391, as introduced, Gaines. Vehicles: registration.

Existing law prohibits a person from driving, moving, or leaving standing upon a highway, or in an offstreet public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid under the Vehicle Code or registered under the permanent trailer identification program, with certain exceptions.

This bill would make technical, nonsubstantive changes in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4000 of the Vehicle Code is amended to
- 2 read:
- 3 4000. (a) (1) No person shall drive, move, or leave standing
- 4 upon a highway, or in an offstreet public parking facility, ~~any a~~
- 5 motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging
- 6 dolly, unless it is registered and the appropriate fees have been
- 7 paid under this code or registered under the permanent trailer
- 8 identification program, except that an off-highway motor vehicle
- 9 ~~which~~ *that* displays an identification plate or device issued by the

1 department pursuant to Section 38010 may be driven, moved, or
2 left standing in an offstreet public parking facility without being
3 registered or paying registration fees.

4 (2) For purposes of this subdivision, “offstreet public parking
5 facility” means either of the following:

6 (A) ~~Any~~A publicly owned parking facility.

7 (B) ~~Any~~A privately owned parking facility for which no fee for
8 the privilege to park is charged and ~~which~~ that is held open for the
9 common public use of retail customers.

10 (3) This subdivision does not apply to ~~any~~ a motor vehicle stored
11 in a privately owned offstreet parking facility by, or with the
12 express permission of, the owner of the privately owned offstreet
13 parking facility.

14 (b) No person shall drive, move, or leave standing upon a
15 highway ~~any~~ a motor vehicle, as defined in Chapter 2 (commencing
16 with Section 39010) of Part 1 of Division 26 of the Health and
17 Safety Code, which has been registered in violation of Part 5
18 (commencing with Section 43000) of that Division 26.

19 (c) Subdivisions (a) and (b) do not apply to off-highway motor
20 vehicles operated pursuant to Sections 38025 and 38026.5.

21 (d) This section does not apply, following payment of fees due
22 for registration, during the time that registration and transfer is
23 being withheld by the department pending the investigation of any
24 use tax due under the Revenue and Taxation Code.

25 (e) Subdivision (a) does not apply to a vehicle that is towed by
26 a tow truck on the order of a sheriff, marshal, or other official
27 acting pursuant to a court order or on the order of a peace officer
28 acting pursuant to this code.

29 (f) Subdivision (a) applies to a vehicle that is towed from a
30 highway or offstreet parking facility under the direction of a
31 highway service organization when that organization is providing
32 emergency roadside assistance to that vehicle. However, the
33 operator of a tow truck providing that assistance to that vehicle is
34 not responsible for the violation of subdivision (a) with respect to
35 that vehicle. The owner of an unregistered vehicle that is disabled
36 and located on private property, shall obtain a permit from the
37 department pursuant to Section 4003 prior to having the vehicle
38 towed on the highway.

39 (g) For purposes of this section, possession of a California
40 driver’s license by the registered owner of a vehicle shall give rise

1 to a rebuttable presumption that the owner is a resident of
2 California.

O